

REMARKS/ARGUMENTS

Claims 31-38 and 45-50 are pending in the above-identified patent application.

Claims 31 and 45 each have been amended to remove structure I.

Rejections Under 35 U.S.C. § 103(a)

Claims 31-38 and 45-56 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,448,373 to Hebert (“the Hebert patent”)¹ taken alone, or in combination with either U.S. Patent No. 5,015,733 to Smith (“the Smith patent”) or U.S. Patent No. 5,112,962 to Letsinger (“the Letsinger patent”). Applicant respectfully submits that, in view of the foregoing amendments, this rejection is now moot.

The Office Action dated November 7, 2002, at page 7, alleges that the instant claims are not patentably distinct from the teachings of the Hebert patent. In this regard, it was asserted that the Hebert patent discloses “oligomers of the species of the types of compound species in the instant claims designated as I or II with specific selections of –T-L, X, linking groups, and R groups” (Office Action dated November 7, 2002, at 7). Although Applicant respectfully disagrees with such assertion, in order to further prosecution of the above-identified patent application, Applicant has nonetheless amended the instant claims to delete structure I. With regard to structure II, the Hebert patent has not been shown to teach or suggest compounds that are within the scope of structure II as recited in Applicant’s claims 31 and 45. Accordingly, to the extent that the rejection is based on this structure II and the teachings of the Hebert patent, reconsideration and withdrawal of the rejection is respectfully requested.

¹ Applicant notes that the first named inventor on the 373 patent is Phillip D. Cook.

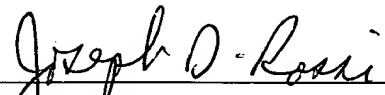
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PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

Applicant believes that this application is now in condition for allowance.

Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

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